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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,813	12/08/2000	Vahan Avetisian	259/175	3080

22249 7590 09/03/2002

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EXAMINER

TUDOR, HAROLD JAY

ART UNIT PAPER NUMBER

3641

DATE MAILED: 09/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/733,813

Applicant(s)

A veteran et al

Examiner

Tudor, H.J.

Group Art Unit

3647

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 6-17-02.
- ☒ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-5, 7-16, 19-23 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-5, 7-16, 19-23 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit:

1. Refouvelet et al, Taylor et al, Craig et al and Hansen et al have been added in view of applicant's amendments.

2. The Request to Delete Named Inventors has been granted. Inventors Paul Berg and Robert Renz have been deleted.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-5, 8-16, 20 and 23 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no basis in the original disclosure for "said body is substantially formed of a material possessing a tensile strength of at least 10 MPA when said material is at the temperature of 100°C", claims 1 and 8. Also, there is no basis for "injecting said molten material into said mold under a pressure of at least 1000 psi", claims 13, 16 and 23.

Art Unit:

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The use of a trademark, AMPHENOL, in a claim is vague and indefinite.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Refouvelet et al in view of either Taylor et al or Craig et al. Refouvelet et al disclose the initiator and the method of making the initiator substantially as claimed.

Art Unit:

However, Refouvelet et al do not disclose, in Fig. 1, the electrically-nonconductive overmolded body surrounding substantially all of the initiator subassembly. Lines 4-6 of the abstract state that the casing includes a molded plastics material surrounding at least the end plate and a portion of the electrodes. Both Taylor et al and Craig et al teach that it is old and well known in the art to substantially surround all of an initiator subassembly except for an exposed portion of a connector end with an electrically-nonconductive body to form a protective casing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the overmolded body 10 surround substantially all of the initiator subassembly of the Refouvelet et al initiator to form a protective casing, as taught by either Taylor et al or Craig et al.

9. Claims 1-5, 7-11 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Refouvelet et al in view of Hansen et al and either Taylor et al or Craig et al. Refouvelet et al, Taylor et al and Craig et al are applied as above. However, they do not disclose a nylon overmolded body. Refouvelet et al disclose that the molding 10 can be formed of a polyamide. Hansen et al teach, in Fig. 2, that it is old and well known in

Art Unit:

the art to form an overmolded body of an initiator of nylon. Nylon is a well known polyamide. To form the overmolded body of the initiator formed by the combination of Refouvelet et al and either Taylor et al or Craig et al of nylon, as taught by Hansen et al, would have been obvious to one having ordinary skill in the art at the time the invention was made.

10. Claims 12-14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Refouvelet et al in view of Hansen et al, Swann et al and either Taylor et al or Craig et al. Refouvelet et al, Hansen et al, Taylor et al and Craig et al are applied as above. However, Refouvelet et al, Hansen et al, Taylor et al and Craig et al do not state that the overmolded body is formed by injection molding. Swann et al teach injection molding to be an old and well known method of molding an overmolded body around an initiator subassembly. To injection mold the overmolded body around the subassembly initiator formed by the combination of Refouvelet et al, Hansen et al and either Taylor et al or Craig et al, as taught by Swann et al, would have been obvious to one having ordinary skill in the art at the time the invention was made. It would have been an obvious design choice to one having ordinary skill in the art at the time the invention was made to

Art Unit:

vary the injection pressure of the nylon to achieve a desired result.

11. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Refouvelet et al in view of Hansen et al, Swann et al, Seavey and either Taylor et al or Craig et al. Refouvelet et al, Hansen et al, Swann et al, Taylor et al and Craig et al are applied as above. However, they do not disclose injecting the molten material at the upper region of the initiator subassembly. Seavey teaches that it is old and well known in the art to vary the position of the injection points in a mold to achieve a desired result, note lines 30-35 of col. 3. It would have been obvious to one having ordinary skill in the art at the time the invention was made to inject the molten material at the upper region of the initiator subassembly in the method formed by the combination of Refouvelet et al, Hansen et al, Swann et al and either Taylor et al or Craig et al in view of the teaching of Seavey.

12. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Refouvelet et al in view of Swann et al and either Taylor et al or Craig et al. References are applied as above. To injection mold the overmolded body around the

Art Unit:

subassembly of the initiator formed by the combination of Refouvelet et al and either Taylor et al or Craig et al, as taught by Swann et al, would have been obvious to one having ordinary skill in the art at the time the invention was made. It would have been an obvious design choice to one having ordinary skill in the art at the time the invention was made to vary the injection pressure to achieve a desired result.

13. The Declaration under 37 CFR 1.131 filed on June 17, 2002 under 37 CFR 1.131 is sufficient to overcome the Mramor reference.

14. Applicant's arguments have been considered but are moot in view of the new grounds of rejection.

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this



Art Unit:

action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harold J. Tudor, whose telephone number is (703) 306-4172.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone, can be reached on (703) 306-4198. The fax phone number for this Group is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.

  
HAROLD J. TUDOR  
EXAMINER